

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6866

BILL NUMBER: HB 1417

NOTE PREPARED: Dec 29, 2005

BILL AMENDED:

SUBJECT: Regulation of Rifles and Shotguns.

FIRST AUTHOR: Rep. Mays

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill prohibits a person from carrying a rifle or shotgun in public after December 31, 2006, unless the person obtains a license to do so from the State Police (ISP). It provides certain exceptions.

The bill makes the penalties for carrying a rifle or shotgun without a license the same as the penalties for carrying a handgun without a license. It prohibits a person from possessing a rifle or shotgun in a motor vehicle while the vehicle is in operation on a public highway or the vehicle is located on the right-of-way of a public highway unless the rifle or shotgun is unloaded and contained in the locked trunk of the motor vehicle or, if the motor vehicle is not equipped with a trunk, a locked case or other secure container.

Effective Date: July 1, 2006.

Explanation of State Expenditures: *Indiana State Police (ISP).* The ISP superintendent may make whatever further investigation the superintendent considers necessary into applications for the license. The impact of this provision will depend on the number and nature of investigations that the superintendent elects to conduct.

If the superintendent determines that the applicant is qualified to be licensed, the superintendent must issue a license. The original license must be delivered to the licensee. A copy must be delivered to the officer to whom the application for license was made. A copy must be retained by the ISP for at least four years. The superintendent must prescribe all forms to be used in connection with the administration of the license and may adopt rules imposing limitations on the use and carrying of rifles or shotguns if the weapon is carried by a licensee as a condition of employment.

The number of applicants who will apply for a license for a rifle or shotgun is not known. It is presumed that the license fee will cover administrative expenses. A license is valid for four years.

The superintendent must establish rules concerning the procedure for suspending or revoking a person's license. It is presumed that the ISP will be able to cover rule-making expenditures given the level of its existing budget.

State Board of Accounts (SBA). The SBA must establish rules for the proper accounting and expenditure of funds collected under this provision. It is anticipated that the SBA will be able to cover expenses associated with this provision given the level of its existing budget, staff, and resources.

Penalty Provision. The bill provides that a person may not carry a rifle or shotgun in any vehicle or on or about the person's body except in the person's dwelling or on the person's property or fixed place of business unless the person possesses a license to carry the rifle or shotgun. A person who knowingly or intentionally violates this provision commits a Class A misdemeanor. However, the offense is a Class C felony if the offense is committed on school property; within 1,000 feet of a school; or on a school bus; or if the person has a prior conviction or has been convicted of a felony within 15 years before the date of the offense.

A person who knowingly or intentionally fails to promptly return the person's license after written notice of suspension or revocation commits a Class A misdemeanor. A person who knowingly or intentionally gives false information or offers false evidence of identity commits a Class C felony. If a person who holds a valid license changes the person's name or address, the person must notify the ISP within 60 days of the person's new name or new address. A person who knowingly or intentionally violates this provision commits a Class B misdemeanor. A person may not possess a rifle or shotgun in a motor vehicle in operation unless the rifle or shotgun is unloaded and contained in the locked trunk or other secure container. A person who knowingly or intentionally violates this provision commits a Class C misdemeanor.

Because the bill includes rifles and shotguns in provisions for handguns, penalties that apply for handguns would also apply for rifles and shotguns.

A Class C felony is punishable by a prison term ranging from 2 to 8 years, depending upon mitigating and aggravating circumstances. The average expenditure to house an adult offender was \$20,977 in FY 2005. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$62,292. The average length of stay in Department of Correction (DOC) facilities for all Class C felony offenders is approximately two years.

Explanation of State Revenues: In addition to the application fee collected at the local level, a \$5 fee must be collected for a qualified license and a \$15 fee must be collected for an unlimited license. The ISP superintendent must also charge a \$5 fee for duplicate licenses. Fees must be deposited by the superintendent with the Treasurer of State. Revenue generated by this provision is indeterminable.

Penalty Provision. If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class C misdemeanor is \$500. The maximum fine for a Class B misdemeanor is \$1,000. The maximum fine for a Class A misdemeanor is \$5,000. The maximum fine for a Class C felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: After December 31, 2006, A person who wishes to obtain a license to carry a rifle or shotgun must apply to the chief of police or corresponding law enforcement officer of the municipality in which the person resides. If the municipality does not have an officer or the person does not reside in a municipality, the person must apply to the county sheriff after obtaining an application form prescribed by the superintendent of the ISP. If the person is a resident of another state and has a regular place of business or employment in Indiana, the person must apply to the sheriff of the county in which the person has a regular place of business or employment. If the person is a resident of another state and does not have a regular place of business or employment in Indiana, the person must apply to the ISP superintendent's designee.

The officer to whom an application is made must conduct an investigation into the applicant's official records and verify the applicant's character and reputation; verify information contained in the application; forward the information together with the officer's recommendation for approval or disapproval to the ISP with one set of legible and classifiable fingerprints of the applicant. The impact of these provisions will depend on the number and nature of the applications.

Penalty Provision. A Class A misdemeanor is punishable by up to one year in jail. A Class B misdemeanor is punishable by up to 180 days in jail. A Class C misdemeanor is punishable by up to 60 days in jail. If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: A law enforcement agency that accepts an application for a rifle or shotgun license must collect a \$10 application fee. Five dollars of the fee must be refunded if the license is not issued. The fee must be deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund and used by the agency for training law enforcement officers in the proper use of firearms or other law enforcement duties or for purchasing agency firearms or firearm-related equipment. If the law enforcement agency that charges a fee is a city or town law enforcement agency, the fee must be deposited in the law enforcement continuing education fund.

Penalty Provision. If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected: DOC and ISP.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association, DOC.

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